

Election Year Restrictions on Mass Mailings by Members of Congress: How H.R. 2056 Would Change Current Law

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Summary

Current law prohibits the franking of mass mailings by Senators fewer than 60 days, and by House Members fewer than 90 days, prior to any primary or general election in which the Member is a candidate. H.R. 2056 would amend Title 39, United States Code, by altering the prohibition for both Senators and House Members to the period starting 90 days prior to any primary and ending on the day of the general election, unless the Member has made a public announcement that the Member will not be a candidate for reelection to any federal office.

The legislation would also prohibit the franking of mass mailings for the same period by any congressional committee or subcommittee of which the chair or ranking member is a candidate for reelection to any federal office.

These changes would increase the mass-mailing-prohibited period for all Senators and some House Members. **Table 1** and **Table 2** of this report detail the hypothetical effects H.R. 2056 would have caused had it been enacted prior to the 2010 election season and the 2008 election season. For example, had the legislation been enacted prior to the 2010 election season, affected Members would have seen increased prohibited periods ranging from one day to 244 days, depending on the primary date in the Member's home state.

This report provides an overview of the proposed changes and an analysis of the effect of the legislation on the mass-mailing-prohibited period for each state's Members, and other issues related to the proposed changes.

H.R. 2056 has been referred to the Committees on House Administration, Energy and Commerce, Ways and Means, and Oversight and Government Reform. No further action has been taken.

This report will be updated as events warrant.

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Introduction

Current law prohibits the franking of mass mailings by Senators fewer than 60 days, and by House Members fewer than 90 days, prior to any primary or general election in which the Member is a candidate. H.R. 2056 would amend Title 39, United States Code, by altering the prohibition for both Senators and House Members to the period starting 90 days prior to any primary and ending on the day of the general election, unless the Member has made a public announcement that the Member will not be a candidate for reelection to any federal office.

The legislation would also prohibit the franking of mass mailings for the same period by any congressional committee or subcommittee of which the chair or ranking member is a candidate for reelection to any federal office.

These changes would increase the mass-mailing-prohibited period for all Senators and some House Members. **Table 1** and **Table 2** of this report detail the hypothetical effects H.R. 2056 would have caused had it been enacted prior to the 2010 election season and the 2008 election season. For example, had the legislation been enacted prior to the 2010 election season, affected Members would have seen increased prohibited periods ranging from one day to 244 days, depending on the primary date in the Member's home state.

H.R. 2056 has been referred to the Committees on House Administration, Energy and Commerce, Ways and Means, and Oversight and Government Reform. No further action has been taken.

This report provides an overview of the proposed changes and an analysis of the effect of the legislation on the mass-mailing-prohibited period for each state's Members, and other issues related to the proposed changes.

Legislative History

111th Congress

On April 22, 2009, Representative John Tierney introduced the Clean Money, Clean Elections Act of 2009 (H.R. 2056, 111th Congress). Section 203 of the bill would amend the election year mass mailing restriction on Members in Title 39, United States Code, by extending the period during which mass mailings are prohibited. In addition, H.R. 2056 provides for election year mass mailing restrictions on congressional committees and subcommittees. The bill was referred to the Committees on House Administration, Energy and Commerce, Ways and Means, and Oversight and Government Reform. No further action has been taken.

Previous Congresses

Similar legislation has been introduced in past Congresses. During the 110th Congress, Representative Tierney introduced the Clean Money, Clean Elections Act of 2007 (H.R. 1614, 110th Congress),¹ which included identical provisions to H.R. 2056. The bill was referred to the Committees on House Administration, Energy and Commerce, Ways and Means, and Oversight and Government Reform. No further action was taken.

¹ For an overview of the Clean Money, Clean Elections Act, see CRS Report RL33814, *Public Financing of Congressional Campaigns: Overview and Analysis*, by R. Sam Garrett.

During the 110th Congress, legislation with identical language with regard to election year mass mailing restrictions, was also introduced in the Senate (S. 936, the Fair Elections Now Act, 110th Congress) by Senator Richard Durbin, on March 20, 2007. The bill was referred to the Committee on Finance. No further action was taken. On May 3, 2007, Senator Durbin introduced similar legislation (S. 1285, 110th Congress, the Fair Elections Now Act), also with identical language with regard to election year mass mailing restrictions, which was referred to the Committee on Rules and Administration. The committee held hearings on S. 1285 on June 20, 2007. No further action was taken.

During the 109th Congress, Representative Tierney introduced comparable legislation, the Clean Money, Clean Elections Act (H.R. 3099). Had the legislation been enacted, Section 303 would have amended the election year mass mailing restrictions on Members by extending the period during which mass mailings were prohibited. H.R. 3099 did not contain provisions restricting committee mass mailings. The bill was referred to the House Committees on House Administration, Energy and Commerce, and Government Reform. No further action was taken.

Overview of Legislative Provisions

Amendment of Election Year Mass Mailing Restrictions

Current law and chamber rules provide that mass mailings² may not be franked by a Senator fewer than 60 days, or by a House Member fewer than 90 days, immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member is a candidate for any public office.³ Senate rules further state that no Senator may frank mass mailings in the 60 days prior to the general election, regardless of whether or not they are a candidate for election.⁴

H.R. 2056 would amend election year mass mailing restrictions by altering the period of time during which Members are prohibited from franking any mass mailing and the statutory conditions under which the prohibition applies. If enacted, Members of both the House and Senate would be prohibited from sending any mass mailing during the period starting 90 days prior to any primary election in which such Member is a candidate and ending on the day of the general election.

Defining “Candidate”

The House and Senate define “candidate” differently. As defined by the House Commission on Congressional Mailing Standards, a candidate is a “Member whose name appears anywhere on any official ballot to be used in such election,”⁵ without regard to whether or not the candidate is running unopposed.

² A mass mailing is defined at 39 U.S.C. 3210(6)(e) as “any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces” in one session of Congress. Direct responses, correspondence with government officials, and releases to media are exempt.

³ 39 U.S.C. 3210(6)(a).

⁴ *U.S. Senate Handbook*, Appendix I-D, p. I-116, available from Senate computers at <http://webster/rules/rules.cfm?page=handbook> and *Senate Ethics Manual*, p. 171, available at <http://ethics.senate.gov/downloads/pdffiles/manual.pdf>.

⁵ U.S. Congress, Commission on Congressional Mailing Standards, *Regulation of the Use of the Congressional Frank*

Because state laws vary considerably in regard to ballot practices in primary elections, this definition of candidate may impact House Members differently, depending on which state they represent. In some states, candidates running unopposed are not placed on primary ballots, and therefore a House Member running in such a state would not be subject to the mass mailing prohibition. In other states, unopposed candidates do appear on primary ballots, in which case the mass mailing prohibition would apply to House Members running unopposed.

Senate rules define a candidate as “an individual who seeks nomination for election” if that individual has either received campaign contributions in excess of \$5,000 or made campaign expenditures in excess of \$5,000.⁶ All Senators are prohibited from franking mass mailings prior to the general election, regardless of whether or not they are candidates. In regard to primary elections, Senate rules exempt candidates running unopposed from the mass mailing restrictions.⁷ Uncontested primary candidacy is only established when the Committee on Rules and Administration receives written certification from the appropriate state official.

The new statutory prohibition would apply only to Members who were candidates for reelection to any federal office. However, Members would still be subject to further restrictions found in House and Senate rules.

Prohibition of Election Year Committee Mass Mailing

Although House and Senate regulations currently restrict committee mass mailing during the pre-election period, current statutory law does not.⁸ If enacted, H.R. 2056 would prohibit a congressional committee or subcommittee from mailing any mass mailing during the same period individual members are prohibited from mass mailings, if either the chair or ranking member of the committee or subcommittee were a candidate for reelection to any federal office.

Analysis

Increased Election Year Restricted Period

If enacted, the provisions of H.R. 2056 that amend the election year mass mailing restrictions would generally increase the period of time individual Members were restricted from sending any mass mailings. However, because state laws vary in regards to the timing of primary elections, both current law and the proposed legislation affect individual Members differently, based on when primary elections are held in the state they represent.

To assess the impact of the change on Members from each state, two tables compare the current law and proposed law for the 2008 and 2010 election seasons. **Table 1** reports the 2010 primary date and the length of the mass-mailing-restricted period for the 2010 election by state. It also reports the length of the hypothetical mass-mailing-restricted period for the 2010 election (and

By *Members of the House of Representatives*, 105th Cong., 2nd sess. (Washington: GPO, 1998), p. 25.

⁶ U.S. Senate Handbook, Appendix M, *Franking Privileges for Members of Congress*, available at <http://webster.senate.gov/rules/handbook/1713.htm>, p. 11.

⁷ Senate Rule XL. See also *U.S. Senate Handbook*, Appendix I-K, and *Senate Ethics Manual*, p. 171.

⁸ Senate Ethics regulations require committee mass mailings to be sent under the frank of the chairman and are subject to identical franking regulations as individual Senators. Committees in the House have been subject to pre-election regulations identical to individual Members since the 109th Congress and are currently limited to \$5,000 each session for mass mailing. See U.S. Congress, Senate Select Committee on Ethics, *Regulations Governing the Use of the Mailing Frank*, committee print, 110th Cong., 2nd sess., April 2008, S. Prt. 110-43, p. 3; H.Res. 224, 109th Congress.

the difference between the hypothetical and actual period) if the election-year mass mailing restrictions proposed in H.R. 2056 had been in effect. **Table 2** reports the same information for 2008, to illustrate the hypothetical effect of the restrictions during a presidential election year, when some states employ a different primary calendar.

If enacted, H.R. 2056 would also make the election year mass-mailing-restricted period identical for House Members and Senate Members. Members of both chambers would be prohibited from sending mass mail during the period 90 days prior to the primary election until the date of the general election. Under current law, as already noted, election year mass mailing restrictions are shorter for Senators than for House Members.

Had the proposed legislation been enacted prior to the 2010 election season, some House Members would have experienced no difference in the length of their restricted period; others would have experienced an increase of up to 184 days. All Senators would have experienced an increase in the restricted period of at least 30 days; some would have experienced an increase of up to 244 days. Similar, in 2008, House Members would have experienced an increase in the length of the restricted period ranging from 0 to 183 days; Senators would have experienced an increase in the restricted period between 30 and 234 days.

House

If enacted prior to the 2010 or 2008 election seasons, the provisions of H.R. 2056 would have increased the restricted period for all House Members whose states hold primaries more than 90 days prior to the general election. In 2010, 19 states will hold primaries fewer than 90 days prior to the general election. Thirty-one states will hold primaries more than 90 days prior to the general election. Similarly, in 2008, 19 states held primaries few than 90 days prior to the general; 31 held primaries more than 90 days prior.⁹

For example, under current law, in 2010, all House Members seeking reelection are prohibited from sending mass mailings fewer than 90 days prior to the general election—August 4, 2010, to November 2, 2010. Texas held its primary on March 12, 2010. House Members from Texas were thus also prohibited from making mass mailings between December 12, 2009, and March 12, 2010. Therefore, Members from Texas were restricted from sending mass mailings for two separate 90-day periods totaling 180 days.¹⁰

If the proposed legislation in H.R. 2056 had been enacted prior to the 2010 primary and general election seasons, House Members from Texas would have been prohibited from mailing any mass mailings from December 12, 2009 (90 days prior to the primary election), until November 2, 2010, a total of 335 days.

There would have been no increase for House Members representing states that held primaries fewer than 90 days prior to the general election. For example, Hawaii will hold its primary on September 18, 2010. House Members from Hawaii will thus be prohibited from making mass

⁹ Currently, for Members in states where the primary election is more than 90 days before the general election, a “window” of time opens between the primary election date and the general election cut-off date in which the sending of mass mailings is restricted. Under the proposed legislation, such “windows” would cease to exist.

¹⁰ The phrase “fewer than 90 days” has several plausible interpretations. In Interpretive Rule 149, the Senate Ethics Committee stated that the “limitation is computed by excluding the actual day of the election, whether it is a primary, general, regular, special, or runoff” and used the following example: if a primary election is scheduled for May 1, the moratoria restrictions would begin at 11:59:59 PM on March 2. All dates listed in this report follow this guideline, and cut-off dates are listed strictly; the cut-off date for the example would be listed as March 2. Because H.R. 2056 describes a “period” of time rather than using the “fewer” formulation, it is not clear how the new restrictions would be interpreted. In this report, “90-day period” will be interpreted as “fewer than 90 days” as defined by the Senate rules.

mailings between June 20, 2010, and September 18, 2010. Because this period overlaps with the general election restrictions that began on August 4, 2010, House Members from Hawaii will be restricted from making mass mailings for a single period of 135 consecutive days.

If the proposed changes in H.R. 2056 had been enacted prior to the 2010 primary and general elections seasons, House Members from Hawaii would have been prohibited from mailing any mass mailings from June 20, 2010, until November 2, 2010, the identical 135 days prohibited under current law.

Senate

Under the proposed legislation, the provisions which extend the restricted period from 60 days to 90 days prior to the primary would restrict Senators for at least 30 additional days under the proposed legislation.

All Senators who represent states that hold primaries fewer than 90 days prior to the general election would be restricted for 30 additional days. For example, under current law, in 2010, a Senator who represents Delaware will be prohibited from mailing any mass mailing from July 15, 2010, until November 2, 2010, a total of 109 days. If the proposed changes in H.R. 2056 had been enacted prior to the 2010 primary and general election seasons, a Senator from Delaware would have been prohibited from mailing any mass mailings from June 16, 2010, until November 2, 2010, a total of 139 days.

Under current law, Senators who represent states that hold primaries more than 90 days prior to the general election are restricted from making mass mailings for a total of 120 days, 60 prior to the primary election and 60 prior to the general election. For example, in 2010, a Senator who represented North Dakota will be prohibited from mailing any mass mailing from April 9, 2010, until June 8, 2010, and from September 3, 2010, until November 2, 2010.

If the proposed changes in H.R. 2056 had been enacted prior to the 2010 primary and general election seasons, a Senator from North Dakota would have been prohibited from mailing any mass mailings from April 9, 2010, until November 2, 2010, a total of 237 days.

Applicability to Jurisdictions Without Primary Elections

One question raised by the proposed legislation is how the new restrictions on mass mailing would apply to Members or Delegates from states and territories that do not hold primary elections. Currently, one territory (American Samoa) does not hold primary elections. Instead, it uses a system in which the general election is an open contest. If no candidate receives more than 50% of the vote, a runoff election is held several weeks later, with the date set pursuant to territorial law. Prior to 2008, Louisiana used a similar system.

Under current law, the restrictions on states and territories without primaries are clear; candidates are prohibited from franking mass mailings fewer than 60 days (90 for House Members) prior to any primary or general election, including runoff elections.¹¹ Thus, for example, Members who represent Louisiana were prohibited from franking mass mailings fewer than 60 days (90 for House Members) prior to the 2006 general election, as well as during the 60 days (90 for House Members) prior to any runoff election that might take place after the general election.

However, under the proposed changes in H.R. 2056, the beginning of the restricted period is defined in relation only to primary elections; Members are prohibited from franking mass

¹¹ 39 U.S.C. 3210(6)(A)(i).

mailings 90 days prior to the primary election. This creates an ambiguity for states and territories that do not have primary elections. Arguably, the intent of the proposed legislation is that the restricted period would begin 90 days prior to the general election in states without primaries.

However, the legislation could be alternatively read to place no restrictions on mass mailings in states and territories that do not have primaries. In this case, Members from such states would be subject only to mass mailing restrictions in House and Senate rules.

Similarly, the end of the restricted period in the proposed legislation is defined in relationship only to the general election, with no specific mention of runoff elections. As with the beginning of the restricted period, arguably the intent of the legislation is to restrict mass mailings in the period between the general election and runoff election in a state without a primary election. However, the legislation could be interpreted to place no restrictions on mass mailings between the general and runoff elections. In this case, again, Members from such states would be subject only to mass mailing restrictions in House and Senate rules.

Applicability to Candidates for Non-Federal Offices

Another question raised by the proposed legislation is how the new restrictions would apply to Members seeking non-federal public office. Under the current statute, House members are subject to election year mass mailing restrictions if they are a candidate for reelection or a candidate for any other public office.¹² Senators are subject to election year mass mailing restrictions for the general election regardless of their status as candidates, and for primary elections if they are a candidate for any national, state, or local office.¹³

Under the proposed changes in H.R. 2056, Members are only subject to the restrictions if they are candidates for reelection to any federal offices. Candidates for non-federal office would only be subject to the restrictions of House and Senate rules. Current House rules reflect the current statutory laws, restricting election year mass mailings 90 days prior to any primary or general election to which the Member is a candidate. Current Senate rules also reflect the current statutory laws, restricting election year mass mailings fewer than 60 days prior to any primary election to which the Senator is a contested candidate, and fewer than 60 days prior to any general election.

¹² 39 U.S.C. 3210(6)(A)(ii)(II).

¹³ 39 U.S.C. 3210(6)(C).

Table I. Comparison of Actual 2010 Mass Mailing Restrictions and Hypothetical Restrictions Based On Proposed Legislation

State/Territory	2010 Primary Date	Actual Mass Mailing Restricted Days		Hypothetical Mass Mailing Restricted Days		Change (days)	
		House	Senate	Start Date	Days	House	Senate
Alabama	6/1/10	180	120	3/3/10	244	+64	+124
Alaska	8/24/10	160	120	5/26/10	160	0	+40
American Samoa	N/A	90	N/A	?	?	?	N/A
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Arizona	8/24/10	160	120	5/26/10	160	0	+40
Arkansas	5/18/10	180	120	2/17/10	258	+78	+138
California	6/8/10	180	120	3/10/10	237	+57	+117
Colorado	8/8/10	176	120	5/10/10	176	0	+56
Connecticut	8/8/10	176	120	5/10/10	176	0	+56
Delaware	9/14/10	139	109	6/16/10	139	0	+30
D.C.	9/14/10	139	N/A	6/16/10	139	0	N/A
Florida	8/24/10	160	120	5/26/10	160	0	+40
Georgia	7/20/10	180	120	4/21/10	195	+15	+75
Guam	9/4/10	149	N/A	6/6/10	149	0	N/A
Hawaii	9/18/10	135	105	6/20/10	135	0	+30
Idaho	5/25/10	180	120	2/24/10	251	+71	+131
Illinois	2/2/10	180	120	11/3/09	364	+184	+244
Indiana	5/4/10	180	120	2/3/10	272	+92	+152
Iowa	6/8/10	180	120	3/10/10	237	+57	+117
Kansas	8/3/10	180	120	5/5/10	181	+1	+61
Kentucky	5/18/10	180	120	2/17/10	258	+78	+138
Louisiana	8/28/10	156	120	5/30/10	156	0	+36
Maine	6/8/10	180	120	3/10/10	237	+57	+117
Maryland	9/14/10	139	109	6/16/10	139	0	+30
Massachusetts	9/14/10	139	109	6/16/10	139	0	+30
Michigan	8/3/10	180	120	5/5/10	181	+1	+61
Minnesota	8/10/10	174	120	5/12/10	174	0	+54
Mississippi	6/1/10	180	120	3/3/10	244	+64	+124
Missouri	8/3/10	180	120	5/5/10	181	+1	+61
Montana	6/8/10	180	120	3/10/10	237	+57	+117
Nebraska	5/11/10	180	120	2/10/10	265	+85	+145
Nevada	6/8/10	180	120	3/10/10	237	+57	+117

State/Territory	2010 Primary Date	Actual Mass Mailing Restricted Days		Hypothetical Mass Mailing Restricted Days		Change (days)	
		House	Senate	Start Date	Days	House	Senate
New Hampshire	9/14/10	139	109	6/16/10	139	0	+30
New Jersey	6/8/10	180	120	3/10/10	237	+57	+117
New Mexico	6/1/10	180	120	3/3/10	244	+64	+124
New York	9/14/10	139	109	6/16/10	139	0	+30
North Carolina	5/4/10	180	120	2/3/10	272	+92	+152
North Dakota	6/8/10	180	120	3/10/10	237	+57	+117
Ohio	5/4/10	180	120	2/3/10	272	+92	+152
Oklahoma	7/27/10	180	120	4/28/10	188	+8	+68
Oregon	5/18/10	180	120	2/17/10	258	+78	+138
Pennsylvania	5/18/10	180	120	2/17/10	258	+78	+138
Puerto Rico ^b	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rhode Island	9/14/10	139	109	6/16/10	139	0	+30
South Carolina	6/8/10	180	120	3/10/10	237	+57	+117
South Dakota	6/8/10	180	120	3/10/10	237	+57	+117
Tennessee	8/5/10	179	120	5/7/10	179	0	+59
Texas	3/12/10	180	120	12/12/09	325	+145	+205
Utah	6/22/10	180	120	3/24/10	223	+43	+103
Vermont	8/24/10	160	120	5/26/10	160	0	+40
Virgin Islands	9/11/10	142	N/A	6/13/10	142	0	N/A
Virginia	6/8/10	180	120	3/10/10	244	+64	+124
Washington	8/17/10	167	120	5/19/10	167	0	+37
West Virginia	5/11/10	180	120	2/10/10	265	+85	+145
Wisconsin	9/14/10	139	109	6/16/10	139	0	+30
Wyoming	8/17/10	167	120	5/19/10	167	0	+47

Source: Data on primary dates are from the Federal Election Commission <http://www.fec.gov/pubrec/fe2010/2010pdates.pdf>.

Notes:

- a. American Samoa holds an open election on the date of the general election, and a runoff election (if necessary) two weeks later.
- b. Puerto Rico holds an election for its Resident Commissioner every four years, concurrent with the U.S. Presidential election.

Table 2. Comparison of Actual 2008 Mass Mailing Restrictions and Hypothetical Restrictions Based On Proposed Legislation

State/Territory	2008 Primary Date	Actual Mass Mail Restricted Days		Hypothetical Mass Mail Restricted Days		Change (Days)	
		House	Senate	Start Date <small>Error! Reference source not found.</small>	Days	House	Senate
Alabama	6/3/2008	180	120	3/5/2008	244	+64	+124
Alaska	8/26/2008	160	120	5/28/2008	160	0	+40
American Samoa <small>Error! Reference source not found.</small>	N/A	90	N/A	?	?	?	N/A
Arizona	9/2/2008	153	120	6/4/2008	153	0	+33
Arkansas	5/20/2008	180	120	2/20/2008	258	+78	+138
California	6/3/2008	180	120	3/5/2008	244	+64	+124
Colorado	8/12/2008	174	120	5/14/2008	174	0	+54
Connecticut	8/12/2008	174	120	5/14/2008	174	0	+54
Delaware	9/9/2008	146	116	6/11/2008	146	0	+30
D.C.	9/9/2008	146	N/A	6/11/2008	146	0	N/A
Florida	8/26/2008	160	120	5/28/2008	160	0	+40
Georgia	7/15/2008	180	120	4/16/2008	202	+22	+82
Guam	9/6/2008	149	N/A	6/8/2008	149	0	N/A
Hawaii	9/20/2008	135	105	6/25/2008	135	0	+30
Idaho	5/27/2008	180	120	2/27/2008	244	+64	+124
Illinois	2/5/2008	180	120	11/7/2007	363	+183	+243
Indiana	5/6/2008	180	120	2/6/2008	272	+92	+152
Iowa	6/3/2008	180	120	3/5/2008	244	+64	+124
Kansas	8/5/2008	180	120	5/7/2008	181	+1	+61
Kentucky	5/20/2008	180	120	2/20/2008	258	+78	+138
Louisiana	9/6/2008	149	119	6/8/2008	149	0	+30
Maine	6/10/2008	180	120	3/12/2008	237	+57	+117
Maryland	2/12/2008	180	120	11/14/2007	356	+176	+236
Massachusetts	9/16/2008	139	109	6/18/2008	139	0	+30
Michigan	8/5/2008	180	120	5/7/2008	181	+1	+61
Minnesota	9/9/2008	146	116	6/11/2008	146	0	+30
Mississippi	3/11/2008	180	120	12/12/2007	328	+148	+208
Missouri	8/5/2008	180	120	5/7/2008	181	+1	+61
Montana	6/3/2008	180	120	3/5/2008	244	+64	+124

State/Territory	2008 Primary Date	Actual Mass Mail Restricted Days		Hypothetical Mass Mail Restricted Days		Change (Days)	
		House	Senate	Start Date <small>Error! Reference source not found.</small>	Days	House	Senate
Nebraska	5/13/2008	180	120	2/13/2008	265	+85	+145
Nevada	8/12/2008	174	120	5/14/2008	174	0	+54
New Hampshire	9/9/2008	146	116	6/11/2008	146	0	+30
New Jersey	6/3/2008	180	120	3/5/2008	244	+64	+124
New Mexico	6/3/2008	180	120	3/5/2008	244	+64	+124
New York	9/9/2008	146	116	6/11/2008	146	0	+30
North Carolina	5/6/2008	180	120	2/6/2008	272	+92	+152
North Dakota	6/10/2008	180	120	3/12/2008	237	+57	+117
Ohio	3/4/2008	180	120	12/5/2007	335	+155	+215
Oklahoma	7/29/2008	180	120	4/30/2008	188	+8	+68
Oregon	5/20/2008	180	120	2/20/2008	258	+78	+138
Pennsylvania	4/22/2008	180	120	1/23/2008	286	+106	+166
Puerto Rico	3/9/2008	180	N/A	12/10/2007	330	+150	N/A
Rhode Island	9/19/2008	136	106	6/21/2008	136	0	+30
South Carolina	6/10/2008	180	120	3/12/2008	237	+57	+117
South Dakota	6/3/2008	180	120	3/5/2008	244	+64	+124
Tennessee	8/7/2008	179	120	5/9/2008	179	0	+59
Texas	3/4/2008	180	120	12/5/2007	335	+155	+215
Utah	6/24/2008	180	120	3/26/2008	223	+43	+103
Vermont	9/9/2008	146	116	6/11/2008	146	0	+30
Virgin Islands	9/13/2008	142	N/A	6/15/2008	142	0	N/A
Virginia	6/10/2008	180	120	3/12/2008	237	+57	+117
Washington	8/19/2008	167	120	5/21/2008	167	0	+47
West Virginia	5/13/2008	180	120	2/13/2008	265	+85	+145
Wisconsin	9/9/2008	146	116	6/11/2008	146	0	+30
Wyoming	8/19/2008	167	120	5/21/2008	167	0	+47

Source: Data on primary dates are from the Federal Election Commission <http://www.fec.gov/pubrec/2008pdates.pdf>.

Notes:

- The Senate Ethics Committee Interpretive Ruling 149 states that the “60-day limitation is computed by excluding the actual day of the election, whether it is a primary, general, regular, special, or runoff.” For example, if a primary election is scheduled for May 1, the moratoria restrictions would begin at 11:59:59PM on March 2. The date listed in the Table would be March 2.
- American Samoa holds an open election on the date of the general election, and a runoff election (if necessary) two weeks later.

c.

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